



# City of Seattle

Gregory J. Nickels, Mayor

## SEATTLE PLANNING COMMISSION

OCTOBER 27, 2005

### Approved Meeting Minutes

**Commissioners in Attendance:** Steve Sheehy – Chair, Jerry Finrow – Vice-Chair, George Blomberg, Mahlon Clements, Chris Fiori, Martin Kaplan, Lyn Krizanich, John Owen, Carl See, Mimi Sheridan, and Tony To

**Commissioners Absent:** Hilda Blanco, Tom Eanes, Valerie Kinast, and Joe Quintana

**Commission Staff:** Barbara Wilson – Director, Scott Dvorak – Planning Analyst, Robin Magonegil – Administrative Assistant

**Guests:** Steve Johnson; and Jackie Kirn

*Please Note: Seattle Planning Commission meeting minutes are not an exact transcript of SPC meeting but instead try to represent key points and the basis of the discussion.*

### CALL TO ORDER

The meeting was called to order at 7:35 am by Chair Steve Sheehy.

### COMMISSION BUSINESS

#### Approval of September 22 and October 13, 2005 Minutes

Chair Sheehy requested that the Commissioners look at the past two meetings minutes and wait to approve those minutes until the next meeting. Chair Sheehy further noted, that as Chair, he was going to take a more dutiful role in making sure that the minutes are accurate and reflect what happens in the meetings.

Commissioner John Owen noted that in the September 22 minutes there is an action that calls for sending out the follow up letter to Councilmember Conlin. He asked if the monorail letter had indeed been sent to Councilmember Richard Conlin. Director Barbara Wilson responded that it had gone out approximately 3 weeks ago. Commissioner Owen asked if this had been the letter that was discussed in the Executive Committee meeting - to which Ms. Wilson responded affirmatively.

It was agreed that the minutes approval would be carried over to the next meeting.

### Chair & Staff Report

#### Holiday Party

Chair Sheehy mentioned it is time to start planning the Commissions' annual Holiday Party. He noted that the Chair usually hosts the party and that the date of December 8, 2005 would not work for him and thus he would be unable to attend or host. Commissioner Mimi Sheridan expressed her feeling that as Chair, Mr. Sheehy should be there and suggested that we agree on a date or time that works for him. She further noted that the actual party usually does not begin until after 6 pm and Chair Sheehy said that if the party started after 6 pm then the date of December 8 would indeed work for him but that he wouldn't be able to host it. Consensus among the Commissioners was that the Holiday Party would be on December 8 and start after 6 pm. Commissioners were asked to confirm their attendance via email with Director Wilson.

### **Upcoming Events**

Chair Sheehy asked that the Commissioners look over the upcoming events calendar on the back of the agenda. He also requested that Commissioners complete and turn in their hours logs for the month.

### **Ethics Issues**

Chair Sheehy acknowledged that dealing with the current ethics questions facing the Commission has consumed a lot of his time and thought. He added that the issues have not been resolved and that it will take more time to work through all of them and find a resolution. Chair Sheehy asked that the Commissioners continue to be patient.

Chair Sheehy mentioned that he and Ms. Wilson had met with Councilmember Peter Steinbrueck and that the Councilmember's perception on the downtown height and density proposal is that there are Commissioners who should have disqualified themselves from the process and who did not and therefore the value of the Commission's input on that subject matter is tainted. Chair Sheehy noted that the use of the word "tainted" in the previous sentence was his and not Councilmember Steinbrueck's.

Chair Sheehy stated that he tried to explain, that for many years our procedure has been that a Commissioner discloses any potential conflict of interest and disqualifies themselves from voting, but does typically engage in the conversation. He stated that the Commission feels that this brings value to everything that we do. By having a diversity of voices and opinions on the table the Planning Commissions advice is more balanced. He noted that Councilmember Steinbrueck stated that he feels that when a Commissioner disqualifies themselves they should completely disqualify themselves and leave the room, not participate in the dialogue or in any way attempt to affect the outcome of our recommendations.

Chair Sheehy expressed that they tried to explain to the Councilmember that we think there is a difference between an advisory committee that does not have any decision-making authority and is not directly affecting outcomes and those commissions that have the authority to administer, interpret or execute City laws. Chair Sheehy noted that it appeared that Councilmember Steinbrueck was not swayed. He added that the Councilmember does not believe that a persuasive argument has been made to exempt advisory committees from strict application of the ethics code.

Chair Sheehy reported that in fact, the Councilmember conveyed that he believes that the Seattle Planning Commission did not apply its own ethics procedures properly prior to September. Councilmember Steinbrueck also, when asked, believed that Commissioner Tony To (in addition to Commissioner's Quintana and Krizanich ) should have excused himself from discussion on the

downtown height and density proposal since he sits on a board that could benefit from the legislation which would provide resources for affordable housing. Councilmember Steinbrueck's staff has been reviewing our minutes and he mentioned that the Commission's minutes show no history of effectively dealing with conflict issues. Councilmember Steinbrueck then asked if, besides the downtown discussion, any other commissioner ever disqualified themselves and not participated in Commission proceedings. Chair Sheehy said that there were occasions when this has occurred but could not, at the time, think of any other instances besides himself and Commissioner George Blomberg. He added that it seems an unnecessary exercise to go back and demonstrate the instances when Commissioners have excused themselves but it may be something we have to do. Chair Sheehy summarized that the point Councilmember Steinbrueck made was that he does not believe that there is an argument in favor of exempting the Planning Commission or advisory committees in general, from the strict application of the section 416 of the Seattle Municipal Code.

Chair Sheehy noted that what Councilmember Steinbrueck has suggested is that the Planning Commission should meet with people, like the Municipal League, and talk with the Ethics Commission to examine our operations and options. He also noted that Councilmember Steinbrueck stated that if a broader, more public, good government perspective is brought to the table that suggests changes are necessary to the ethics code, then he would consider those changes.

Chair Sheehy reported included in this meeting with Councilmember Steinbrueck was Wayne Barnett – Director of the Ethics Commission, Diane Sugimura - DPD, and Lucy Steers. Ms. Wilson added that Lucy Steers works with the Municipal League and the League of Women Voters. Ms. Wilson noted that Ms. Steers has herself been on over 50 boards and commissions at the City and elsewhere - some advisory, some quasi-judicial, some subject to the ethics code, some not and has worked in the past for City Council and has worked on the Planning Commission's budget - so she does have some knowledge of the Planning Commission. Director Wilson added that, in her opinion, Ms. Steers was quite helpful. She seemed to have a good understanding of the concerns that the Planning Commission has raised about the murkiness of the code generally and how it should apply to the Planning Commission and advisory bodies generally. Ms. Wilson added that Ms. Steers stated she is willing to work with us and Ms. Wilson feels that she could be a good resource to us on this issue. Chair Sheehy agreed that he feels she is committed to working with us and finding a solution.

Chair Sheehy also mentioned that Councilmember Steinbrueck suggested that strict compliance to the ethics code means the filing of financial statements to which Chair Sheehy pointed out, and Wayne Barnett confirmed, that the Ethics Commission has issued a ruling that advisory committees are not required to submit financial statements. Chair Sheehy stated that they stand behind the letter that was sent to the City Council and Mayor asking them to take the lead in solving this issue. He also agreed that the Planning Commission could probably do a better job of recording how we comply with our ethics rules and making sure our minutes reflect the exact conflict of interest and how it was addressed.

Chair Sheehy noted that the meeting was left with Councilmember Steinbrueck stating that he believed it is not for him to decide who is not qualified to serve on the Commission in general or should disqualify themselves from conflicts and he encouraged us to work with other folks to find a solution. Director Wilson added that at the end of the meeting, Councilmember Steinbrueck acknowledged that if there were other good government folks and the Ethics Commission and there is actually a problem and the Planning Commission is unable to do its work then he was open to looking at a legislative solution. Ms. Wilson noted that she has had an opportunity to meet with some of the Councilmembers and they seem to be empathetic with the problems that this has caused the Commission. She added that

there is a general feeling that the Councilmembers want to work this out and the Mayor's office is also sympathetic and is committed to helping us.

Commissioner Owen expressed that one thing we could do is to go back and look at our charter and procedural rules. Chair Sheehy responded that there is room for interpretation of those.

Commissioner Mimi Sheridan noted that the problem is that it is very difficult to determine sometimes as to where a conflict of interest begins and ends. It seems to her that almost none of us would be able to talk about downtown policies.

Vice-Chair Jerry Finrow asked Ms. Wilson if she had asked the Ethics Committee about the question of personal indemnification. He suggested that we find out what would happen if someone filed a conflict of interest charge against the Planning Commission. He added that no one has filed a charge and we should keep that in mind. He added that he would be very interested in knowing what kind of sanctions could be brought against us personally and how we would defend ourselves in that case. If there is some clarity on that point and it is not too onerous then we should continue to do business as usual. Commissioner Owen responded that a number of the Commissioners could just not do that. It would be putting their firms and their livelihoods in jeopardy.

Commissioner Sheridan mentioned that the problem is the one year prohibition after serving on the Commission - because that is where firms could be in trouble. She added that the Design Commission has had to deal with this and they got some sort of exception or specific rules to deal with this issue. Commissioner Finrow responded that he appreciates the problems that some of the Commissioners have with this but what he is concerned about is that we may never do anything and we may as well acknowledge that and quit because we don't know what could happen to us. He continued that we should find out what could happen to us and if what they can do to us is really awful then he completely agrees with not continuing our work, but if what they can do is not completely awful then we should have a conversation about it and possibly continue on with our work. He agrees with Commissioner Owen's point that we should review our policies and set in place some sort of ethics management program. Commissioner Owen responded that we have already asked that question to their director and did not have any confidence that they gave us any sort of clarity on that. Commissioner Sheridan noted that this is discussed in the ordinance.

Commissioner Owen added that he is dismayed at Councilmember Steinbrueck's perception of this and if this is the level of clarity that we get from our leaders than anybody can read anything into any of the ethics code. Commissioner George Blomberg questioned then what we do now in an active way to activate some sort of structure that is workable and satisfies the professional needs of our co-volunteers and allows us to move ahead. He added that we could say that we have met with folks that are very knowledgeable about good government, that are veterans with this and have taken the initiative to craft principles that meet the spirit of what we are after. If we do that quickly, and in an active way, is there interest in that?

Commissioner Tony To stated that he is on several boards and this is the only board that he only represents himself as a citizen. He feels that there is a difference in terms of benefit. He added that it may be true that he comes to the meetings and supports issues or policies that are oriented to affordable housing because that is who he is but he does not directly benefit. Commissioner Sheridan added that she does not see how Councilmember Steinbrueck does not see that distinction. She added that Commissioner Clements is on the board of Futurewise and Futurewise sues governments and what does that mean. She continued, if you are on a non-profit board how is your financial involvement

treated as far as what the code says. She feels that these are the issues that need to be addressed and it is clear how quickly this whole thing becomes absurd and unworkable.

**MOTION: Commissioner Owen moved that the Chair be authorized to draft a letter in response to the meeting with Councilmember Steinbrueck. Seconded by Commissioner Finrow. Discussion of the motion followed**

Chair Sheehy asked for Discussion on the motion. Commissioner Owen stated that he would like to discuss what goes into this letter but that it should express our dismay to Councilmember Steinbrueck's reaction and that we feel very strongly that our ethics are above reproach and that we take exception to his implication that some of us acted out of any sense of personal gain. He added that he feels we should go on to explain what we have discussed in terms of our role, how we are recruited for this position, our ability (or inability) to recruit new members, the absolute murkiness of the whole issue of ethics and how it is dealt with in the City, the fact that we can't get clarity from the Ethics Committee on some of the applications and how we proceed as an entity. He continued that he feels that it should be a strong letter.

Director Wilson shared what the staff had been doing in regards to the ethics issue. She stated that the Mayor's office, as well as some Councilmembers, have asked the Planning Commissioners and the Planning Commission staff to think through what the options are for both a potential legislative fix or whether this could be dealt with from the Ethics and Elections Commission, to get some rulings that would enable clarification and the ability for us to move forward. Ms. Wilson noted that she has started on that process and there are four or five options that have surfaced in her many discussions with numerous people. Her hope is to begin working with the Muni League and the Ethics Commission soon. Ms. Wilson added that the City Attorney's office said that they have offered to review any possible proposed legislation to give us preliminary thoughts on whether or not there are any unintended consequences to the things that we are looking at from their perspective. She hopes that we will have a resolution by December that Council could act on. Commissioner Owen responded that we need clarity and any kind of jerry-rigging of language or interpretation is going to be very complex. He added that either we perform a viable function here or we don't. He is beginning to think that we don't.

Commissioner Owen continued that if the Council is not willing to step beside us and say "here is the way this thing should go" then he doesn't feel we belong here. Chair Sheehy stated that he agrees with Commissioner Owen in general and that it has been very difficult for him to have to be in a position to make the case for the value of the composition of the Commission and how it works - the value that we bring to the City by how it is composed. He added that this has taken an inordinate amount of time - as a volunteer he has given up 20 to 25 hours a month to this effort. He continued that although he was not named in the recent newspaper article, he still feels that his reputation is at stake. Chair Sheehy stated that he favors the notion of Commissioner Owen's motion. He added that we need to carefully think about what we want to ask the Ethics Commission and that is going to take a lot of effort. If the City Council and the Mayor believe that the composition of the Commission as it stands should remain, and if everyone understands that our input is strictly advisory and that we have no decision-making authority, then the Planning Commission should not be subject to the SMC 416. He continued that his feeling is if the City Council and the Mayor feel otherwise then that it fine. The last paragraph of the letter should state that it is for the Council and the Mayor to decide how they want the Commission to function and what the standard should be. Commissioner Owen expressed that he felt that

Councilmember Steinbrueck's statement that this is not a legislative matter is likely incorrect based on the information that we have gathered so far.

Commissioner Martin Kaplan asked if there were ever a time that members of the City Council recuse themselves for discussions of issues that involve streets that they drive on or neighborhoods that they live in? Chair Sheehy responded that he did not know but that he wants to make it clear that the Commission has only had a full opportunity to talk to 1/9th of the City Council and he does not want to suggest that all of the Councilmembers feel the same way. He added that this is a tough time to get City Council's attention because of budget review and the up-coming election. He noted that Diane Sugimura and John Rahaim have been great and have tried to help.

Commissioner Sheridan expressed we need to be clear that the Planning Commission is not asking to be exempt from ethical standards but instead that a volunteer advisory body should not be held to the same level of standard as an elected official who has the power to administer, execute and interpret laws. Chair Sheehy stated that he agrees with Commissioner Finrow that the existing by-laws which contain our ethics should be carefully examined. These by-laws were reviewed and approved by the Mayor's office and City Council in 1996. Commissioner Sheridan added that this situation affects several other Commissions as well. Commissioner Finrow stated that he would like to move forward with Commissioner Owen's motion. Chair Sheehy added that he would vote yes if someone would help him draft the letter.

**ACTION: Motion that the Chair be authorized to draft a letter in response to the meeting with Councilmember Steinbrueck carried unanimously with Commissioner Krizanich abstaining.**

## **Project Updates**

Chair Sheehy stated that the Commission would be skipping the project updates on the Industrial Lands Roundtable, Northgate CTIP, Sound Transit Construction and ST2 and would move on to the briefing since we are running behind.

## **COMMISSION BRIEFING**

### **Southeast Seattle Action Agenda**

Chair Sheehy welcomed Steve Johnson – Office of Economic Development, Acting Director. Mr. Johnson will be providing information about the Southeast Seattle Action Agenda for the Commissions consideration and recommendations at a later date.

Steve Johnson passed out a handout and then gave an overview of the Southeast Seattle Action Agenda. Mr. Johnson started by talking about the efforts taking place over the last 4 or 5 years. He noted that the Mayor wanted a formal framework for the community to let them know what to expect and to make a contract with the community.

Mr. Johnson discussed the planning efforts in the summer of 2004 with Southeast Seattle leaders to develop the policies that will be mentioned in this briefing. He stated that that Action Agenda was built on several past efforts and incorporates existing plans. There is nearly a half a billion dollars of investments going on in Southeast right now. He added that the intent of the Action Agenda is to

build on those investments. Mr. Johnson then read their vision which was as follows: *“Southeast Seattle is a vibrant community where: racial, cultural and economic diversity is embraced and preserved; immigrants are welcomed; all residents have access to economic and educational opportunities, housing, and cultural and recreational amenities; and the economic benefits generated by public and private investments are shared with current residents, businesses and community institutions.”*

Mr. Johnson explained that the community wants both economic development and economic diversity. The community feels it needs to get higher income folks into the area but at the same time they do not want to run out the people and the businesses that are already there. He explained that they wanted to diversify and increase available jobs in the Rainier Valley. Mr. Johnson shared some of the accomplishments to date; funded \$20,000 for marketing campaign to promote Rainier Valley businesses, started outreach to ethnic businesses providing technical and financial assistance to help businesses save money by using better environmental practices; launched wireless Internet access pilot project in Columbia City; and increased the amount of money available for facade improvements for small business. He went over some of the physical development ideas and then shared some of their accomplishments which included; establishing the Rainier Valley Community Development Fund’s community development program, funded 5 rental housing projects containing 478 units, established priority permit review process for the SE Reinvestment Area and applied for a new SE Neighborhood Revitalization Strategy Area Designation with the U.S. Department of Housing and Development. Mr. Johnson ended with their next steps. These included; supporting the Sound Transit light rail projects, implementing the Rainier Valley Community Development Fund Community Development Project, focusing on transit-oriented development opportunities at McClellan and Othello stations and continuing to implement projects outlined in the Action Agenda.

Chair Sheehy thanked Mr. Johnson for his time and the briefing.

**Chair Sheehy provided full clarity and disclosure of his position as a land use attorney with Sound Transit and stated that he was not a property owner in Southeast Seattle. He detailed his relation to the area through his work with Sound Transit. Commissioner Tony To disclosed that he is intimately involved as a member of the Southeast Seattle Action Agenda work group.**

Commissioner Mahlon Clements asked if to date there had been discussion about density of development around the future light rail stations. Mr. Johnson responded that the City has looked at some of the station areas and will look at them as the timing dictates. He added that Commissioner Tony To might have more information. Commissioner To added that he was not sure if he could say anything and that although he does not own property in Southeast Seattle, he does work for organizations that do. He continued that he did not know about any specific process had begun and that few developers want to do anything in the area at the moment since light rail construction will be happening for 3 to 4 years and there are no bargains in real estate.

Commissioner To mentioned that there is an overall sense that good things are happening in the neighborhoods and that there are low vacancies in Columbia City. There was some discussion around development opportunities in Columbia City. Commissioner To noted that Othello has some neighborhood groups that are joining together along Othello from Seward Park to Beacon Avenue.

Commissioner Clements asked whether more density would enhance the investment in the area. Chair Sheehy noted that station area planning was a bit premature and that there needs to be a second phase now that people understand what it could mean.

**Commissioner Sheridan shared her thoughts about the parks in the area and disclosed that she was working for the Seattle Parks Department and the Seattle Housing Authority.**

Chair Sheehy responded that it needed to be determined who owned what and mentioned all the things happening at the Baker/McClelland area. He noted that much more work needs to be done to put the parts together. Once again Chair Sheehy thanked Mr. Johnson for his time.

### **Industrial Lands Roundtable**

Director Wilson called attention to the upcoming industrial lands roundtable meeting on Friday, November 4, 2005. There was some discussion amongst the Commissioners on the value of their being at this roundtable in regard to the current situation with the ethics issues.

It was agreed that the Commission should hold the roundtable as planned and that they would attend and participate as originally intended. It was made clear that there are no intentions to create specific recommendations at the roundtable – instead it is meant to simply be an opportunity for the Planning Commission to convene City Council, City Departments and Mayor’s staff together with Planning Commissioners to discuss Seattle’s industrial lands and whether or not a strategy should be developed to deal with the future of those industrial lands.

### **PUBLIC COMMENT**

There was no public comment.

### **ADJOURNMENT**

Chair Sheehy adjourned the meeting at 9:15 am.